

**Amendments to the Drawings:**

Please replace Figures 1 - 11 with the corrected Figures 1 - 11, which are included on the fourteen replacement drawing sheets following the last page of the Remarks. The corrected Figures have been amended to overcome the Examiner's objection under 37 C.F.R. 1.84 (b), (c), (l) and (p). No new matters have been introduced.

In addition, the Applicants would like to invite the Examiner's attention to replacement drawing sheets, Figures 1A and 1B. The replacement diagrams illustrate photo images of a semiconductor wafer taken with an e-beam inspection system taken during inspection of a typical microfabricated structure. Figures 1A and 1B replaced the photo prints as filed in the original application.

Attachments: Fourteen replacement drawing sheets (including replacement Figures 1-11).

## **REMARKS/ARGUMENTS**

### **1. Summary of the Office Action**

Claims 1-15 and 18-47 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,614,923 (hereinafter Shishido).

Claims 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **2. Response to 35 U.S.C. § 102 Rejections**

In response to the above Office Action, the Applicants have amended the claims and respectfully request reconsideration thereof. All the amendments are supported by the specification as originally filed, and accordingly, no new matter has been added.

In particular, independent claims 5, 23, 24 and 36 have been amended to include the teachings of claim 16 which contains allowable subject matter. In particular, the amended claims include the feature of “creating at least one X-direction one-dimensional profile of a cell-metric of the contrast data and at least one Y-direction one-dimensional profile of the cell-metric of the contrast data and thresholding the at least one X-direction one-dimensional profile and the at least one Y-direction one-dimensional profile to find the repetitive regions in the contrast data” (Claim 5). Shishido does not teach or even suggest the presently claimed feature. Therefore, claims 5, 23, 24, 36 and their dependent claims are patentable over Shishido.

### **3. Conclusion**

Having tendered the above remarks and amended the claims as indicated herein, the Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Jaina Chua at (408) 947-8200.

Respectfully submitted,

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